

Fees Refund Policy and Procedure (International Students Only)

1. PURPOSE

This policy/procedure supports Standards for RTOs 2015 Clause 5.3 and 'Standard 3' of the 'National Code of Practice for Providers of Education & Training to Overseas Students 2018', which states:

'Written agreements between registered providers and students set out the services to be provided, fees payable and information in relation to refunds of course money.'

Blue Lotus College (BLC) applies the following procedures to ensure all students are treated fairly and with integrity when applying for refunds. All refunds applications are to be submitted to the Administrations department and the following procedures followed in assessing the application.

All 'refunds' are to be approved by the Administrations Manager/CEO and applications processed within 10 working days of the application being placed.

Please note the below refund policy is in relation to 'Tuition Fees' and should not be confused with 'Application' fees which are non-refundable.

2. PROCEDURE

Refund

All student's refunds are conditional on the following:

a. Course Withdrawal

- i. Where written notice of withdrawal is received by the college at least **8 weeks before the agreed start date** of the course or term, the College will refund the fees and full refund will be provided.
- ii. Where written notice of withdrawal is received by the college at less than **8 weeks before the agreed start date** of the course or term, the college will refund the 80% of fee paid will be provided.
- iii. Where the student defaults, including withdrawing from a course, after the course/term start date, student are liable to pay full tuition fee and there will be no refund of paid tuition fees.
- iv. Any debts to the College must be paid in full or the outstanding amounts will be deducted from the refund.
- v. If the refund application is approved, refunds will be made available within 28 days (20 working days) of written notification and relevant forms duly signed by the student being received by the college.

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vi. The college must have received funds in order for any refunds to be made available (i.e. cheques are cleared, telegraphic transfers have been received)

b. Student defaults: An overseas student or intending overseas student defaults, in relation to a course at a location, if:

a) the course starts at the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or

b) the student withdraws from the course at the location (after the agreed starting day); or

c) the College refuses to provide, or continue providing, the course to the student at the location because of one or more of the followings:

I. the student failed to pay an amount payable to the provider for the course;

II. the student breached a condition of his/her student visa;

III. misbehavior by the student (Note: the student is entitled to natural justice under subsection 47A(3))

A student does not default for failing to start a course on the agreed starting day if he/she does not start that course because the provider defaults in relation to the course at the institute.

No refund is payable for student default.

c. Visa Refusal

If a student visa application or visa renewal is refused by the Australian Government, a refund of course fees, less enrolment, will be made and visa refusal refunds are calculated in accordance with the legislative instrument under subsection 47 E(4).

The calculation under subsection 47 E(4) is as follows:

The amount of unspent pre-paid fees that the provider must refund the student for the purpose of subsection 47 E(2) of the Act is the total amount of the pre-paid fees the provider received for the course in respect of the student less the following amount the lesser of:

(a) 5% of the total amount of pre-paid fees

That the provider received in respect of the student for the course before the default day; or

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(b) the sum of \$500.

Students must provide the college with substantiated evidence of their student visa refusal.

An international student currently in Australia has their student visa extension application refused by Department of Home Affairs (DHA) after the commencement of their studies no refund will be paid for ongoing study period at the time of decision however student will be paid refund of unused tuition fee for future terms.

No refunds will be granted where, an international student currently in Australia has their student visa cancelled by the Department of Home Affairs (DHA) for a breach of visa conditions.

d. College Default

I. In the unlikely event that the college is unable to start or deliver the course (known as Institute default), the student can choose to accept either:

- i. A refund of course fees, which will be issued to the student within 14 days.
- ii. Or be placed in an alternative course with the Institute or another provider. If the student chooses this option, they must sign a new written agreement to indicate they have accepted the placement.

II. If the student chooses to receive a refund of course fees, the college will calculate the unspent portion of tuition fees paid to date (i.e. tuition fees the student has paid for, but which has not been delivered by the college). The refund will be paid within 14 days after cessation of the course.

III. If the college is unable to provide a refund or place the student in an alternative course, the Tuition Protection Service (TPS) will provide the student with options for suitable alternative courses (if any such courses are available), or if this is not possible, the student will be eligible for a refund as calculated by the TPS Director.

e. Special Circumstances

Where a student withdraws from the course and returns home because of exceptional and extenuating circumstances of a compassionate nature, such as a death or severe illness in the immediate family, 100% of all the unspent fees paid, less any administration fees, will be refunded.

II. Refund Process

a. The Student must apply Application Form along with evidence and supporting documents. Such documents may include, but are not limited to:

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- i. a completed Application for Suspension of Studies, Deferral and/or Leave form provided by the college.
- ii. a letter from DHA advising of a rejection of the student visa application or a refusal to extend a student visa
- iii. proof of extenuating circumstances of a compassionate nature

b. Refunds will be made within 28 days (20 working days) of the receipt of completed refund application form along with full supporting document by the Institute.

c. Student can nominate the person(s), other than the overseas student, who can receive a refund in respect of the overseas student identified in the written agreement, consistent with the ESOS Act

III. Payment of Refunds

a. Refunds will be paid in Australian dollars via bank transfer to the bank account number nominated by the student on the refund application form.

b. Refund to International banks are be made in the Australian currency where by student will receive refund amount equivalent to Australian Dollar exchange rate on the date of transfer.

2.4 Appealing Refund decisions

Refer to the Student Complaints & Appeals Policy and Procedure from the Student Administration department if you wish to appeal against the Refund application outcome.

Australian Consumer Protection Law:

This policy and the availability of complaints and appeals processes do not remove the right of a student to take further action under Australian Consumer Protection Law.

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Please refer to course refund table below for details:

BLC Course fee refund table			
Refund circumstances	Refund of fees paid	Refund of material fees	Enrolment fee
Withdrawal at least 8 weeks prior to agreed start date	100%	100%	No refund
Withdrawal less than 8 week prior to the agreed Start Date	80%	100%	No refund
Withdrawal after course start date	No refund	No refund	No refund
Course withdrawn by the College	100%	100%	100%
Application rejected by the College	100%	100%	100%
The course is not provided fully to the student because the College has a sanction imposed by a government Regulator	Refund of unused portion of tuition fees for future terms	No refund	No refund
Visa refused prior to course commencement	Total amount of the pre-paid fees the BLC received for the course in respect of the student less the following amount: the lesser of: (a) 5% of the total amount of pre-paid fees that the provider received in respect of the student for the course before the default day; or (b) the sum of \$500.	100%	100%
Visa Extension is refused after commencement of studies due to not meeting visa requirement	Refund of unused portion of tuition fees for future terms	No refund	No refund
RPL fee	No refund if Statement of Attainment 'is provided	No refund	No refund
Visa refused due to submission of fraudulent documents by or on behalf of the student	No refund	No refund	No refund
Withdraws from the course without notification or breaches their Visa conditions	No refund	No refund	No refund

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Withdrawal after the agreed start date	No refund	No refund	No refund
Visa cancelled due to actions of the student	No refund	No refund	No refund
Student abandons the course	No refund	No refund	No refund
The College cancels an enrolment due to serious student misconduct	No refund	No refund	No refund

Application for Refund

Date of Application	
Course Name & Course Code	
Student's Full Name	
Student's Address	
Course Start Date	

I wish to apply for a refund for my tuition fees paid for course described above. My reasons for applying for a refund are (tick the appropriate box/es):

BLC Course fee refund table				
Tick boxes	Refund circumstances	Refund of fees paid	Refund of material fees	Enrolment fee
<input type="checkbox"/>	Withdrawal at least 8 weeks prior to agreed start date	100%	100%	No refund
<input type="checkbox"/>	Withdrawal less than 8 week prior to the agreed Start Date	80%	100%	No refund
<input type="checkbox"/>	Withdrawal after course start date	No refund	No refund	No refund
<input type="checkbox"/>	Course withdrawn by the College	100%	100%	100%
<input type="checkbox"/>	Application rejected by the College	100%	100%	100%
<input type="checkbox"/>	The course is not provided fully to the student because the College has a sanction imposed by a government Regulator	Refund of unused portion of tuition fees for future terms	No refund	No refund
<input type="checkbox"/>	Visa refused prior to course commencement	Total amount of the pre-paid fees the BLC	100%	100%

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		received for the course in respect of the student less the following amount: the lesser of: (a) 5% of the total amount of pre-paid fees that the provider received in respect of the student for the course before the default day; or (b) the sum of \$500.		
<input type="checkbox"/>	Visa Extension is refused after commencement of studies due to not meeting visa requirement	Refund of unused portion of tuition fees for future terms	No refund	No refund
<input type="checkbox"/>	RPL fee	No refund if Statement of Attainment 'is provided	No refund	No refund
<input type="checkbox"/>	Visa refused due to submission of fraudulent documents by or on behalf of the student	No refund	No refund	No refund
<input type="checkbox"/>	Withdraws from the course without notification or breaches their Visa conditions	No refund	No refund	No refund
<input type="checkbox"/>	Withdrawal after the agreed start date	No refund	No refund	No refund
<input type="checkbox"/>	Visa cancelled due to actions of the student	No refund	No refund	No refund
<input type="checkbox"/>	Student abandons the course	No refund	No refund	No refund
<input type="checkbox"/>	The College cancels an enrolment due to serious student misconduct	No refund	No refund	No refund

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Student can specify person(s), other than themselves who can receive a refund in respect of the fee paid identified in the written agreement;	
Full name of person authorized receive refund on behalf of you	
Address and contact detail of authorized person	

<i>Student's Signature</i>		<i>Date</i>	
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For Office use only

<i>Refund Application Processed by</i>		<i>Date</i>	
<i>Administration Manager's Signature</i>		<i>Date</i>	